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TO THE CATHOLICS OF ENGLAND.

MY LORDS AND GENTLEMEN,

I.

WE have the honor to lay before you, a *short account of the principal Circumstances attending our attempt, to procure for the CATHOLICS OF ENGLAND an Exemption from the Laws, enacted in this Kingdom against PAPISTS OR PERSONS PROFESSING THE POPISH RELIGION.*

IT was set on foot in the beginning of last Year,—when the Committee, with the Approbation of a General Meeting of the Body, presented a Memorial to Mr. Pitt, stating briefly, the Grievances, under which the Body of English Catholics labour, and the principal Grounds, upon which they claim Relief. The Memorial was presented to him in February. He received it favorably; and at a Conference between him and some of the Members of the Committee, desired to be furnished with Authentic Evidence of the Opinion of the Catholic Clergy and Catholic Universities abroad, with respect to the Existence and Extent of the Pope's dispensing Powers.—In Consequence of this requisition, three Questions were sent to the Universities of Paris, Louvain, Doway, Alcala, Salamanca, and Valladolid, for their Opinions upon them. Their Opinions were accordingly obtained, and proved very satisfactory.—In the mean time, the Season was so far advanced, that it became impossible to bring the Business into Parliament with any prospect of procuring essential Relief, during that Session. It was therefore necessary, that it should lie over to the following Year. But that every thing might be in readiness to proceed immediately upon the opening of the next Session, Directions were given, that, during the Recess, an Act of Parliament should be framed, which should repeal all the Laws, by which the English Catholics are placed in a worse situation than his Majesty's other dissenting Subjects.—Such an Act was accordingly prepared.—This brought the Business to the Close of the Year 1788.—In the Month of December in that Year, a Person of high rank in this Country, sent the Protestation to the Committee, with a Letter recommending that all the Catholics should sign it.—To state this Matter fully, it may be proper to observe, that the Statutes of Nonconformity affect, (but in a very different Degree,) three different Sets of Persons, Catholics, Protestant Dissenters, and Persons of the established Church. All of them were then applying to the Legislature for Relief against these Statutes, and Earl Stanhope's Bill was pending in Parliament. The particular Object of that Bill was to give relief to the Nonconformists of the Established Church: but in its consequences it would liberate Persons of every Description from the Penalties of Nonconformity.—The effects of his Bill would therefore have extended equally to Catholics, to Protestant Dissenters, and to Members of the Established Church; but as there is a prejudice against Catholics, which does not lie, at least in the same degree, against any other Dissenters, it was thought necessary to use, with respect to them, a Method of Recommendation to the Public, which the others did not appear to want. This was, that they should solemnly disclaim some of the Tenets imputed to them. For this Purpose, with long consideration, and after attentively perusing the works of some of our best Apologists, and conferring with Ministers, and some of the leading Men of all Parties, the Protestation in question was framed, and we were called upon to sign it.—The very instant the Committee received it, they transmitted it to Mr. Walmsley, Mr. James Talbot, Mr. Thomas Talbot, and Mr. Matthew Gibson.—They all signed it.—The three first with their own hands,—Mr. Matthew Gibson, by Mr. James Talbot, whom he authorized to sign it for him, if he judged it proper. With very few exceptions, it was signed by all the Clergy, and all the Laity of any

note, in the kingdom of England. The Bill then was new modelled.—We beg leave to observe, that the Advantages we shall derive from its passing into a Law, will be very considerable.—Speaking generally, it will place us on a level with the Protestant Dissenters, except as to the rights of voting at Elections, and sitting in Parliament.—The Proviso in it, you will please to observe, have not the effect of enacting new Laws. Their only effect is to prevent, in the particular instances there enumerated, the operation which the Act would otherwise have to repeal the Laws now in force. Not one of them imposes any new penalties on the Catholics. They only except the particular cases there specified from the general operation of the Act.—The length of time it took, to arrange the Bill, to the satisfaction of the different parties, with whom it was found necessary to advise, made it so late in the Session, before it was finally settled, that it was thought advisable, the bringing of it into the House should be postponed till the next Session.—But to put it in a train to proceed when business should be resumed, and as far as lay in our power to draw the attention of the House upon it, we requested Mr. Mitford to inform the House of his intention to bring it in,—and to apprize them generally of its tendency and operation.—This he obligingly did;—and for the information of the Public,—particularly the persons chiefly interested,—the English Catholics,—we printed the Heads of the Bill in the Public Papers.—These have been the principal circumstances attending the Bill. We shall now lay before you the principles and grounds upon which we have framed it.

II.

THE prominent feature of the Protestation and the Oath, certainly is, their introducing to the notice of our Laws, and that, in a very marked and pointed manner, a description of Persons wholly unknown to them before, *THE PROTESTING CATHOLIC DISSENTERS*.—On the propriety of this description, and its probable efficacy, the merit of the plan adopted by us chiefly rests.

I. WITH respect to its *propriety*:—The description, we submit to you, must be proper, if the Persons, whom it is intended to characterize, be described by it accurately and pointedly,—and if those persons have a real existence.—Now that the description is both accurate and pointed, and that, by far the greatest part, if not the whole body of English Catholics fall under it, seems unquestionable.—The description is contained in the preamble of the Act.—It recites, “ That, by divers Laws now in force concerning Papists, or “ Persons professing the Popish Religion, divers penalties and disabilities had been imposed on such persons on “ account of certain pernicious doctrines imputed to them,—and that, divers persons, who according to the “ Laws now in being, are within the description of Papists, or persons professing the Popish Religion, do not “ hold, and have protested against, such pernicious doctrines, although they continue to dissent, in certain points “ of faith, from the Church of England, and are therefore called *Protesting Catholic Dissenters*, and that such “ persons are willing solemnly to protest against, and to declare that they do not hold such pernicious doctrines.”—Nothing can be more accurately or more pointedly told, than the fact contained in the first member of the recital,—that by divers laws now in force concerning Papists or persons professing the Popish Religion, divers penalties and disabilities have been imposed on them, on account of certain pernicious doctrines attributed to them. Is any thing more true than that Laws are now in force against Papists? that these Laws impose penalties and disabilities on them? and that these penalties and disabilities were imposed on them, on account of certain pernicious doctrines attributed to them? Each of these facts is accurately and pointedly mentioned, each of them is strictly and literally true.—Every member of the following sentence, “ and that divers Persons, &c.” is equally accurate, pointed, and true.—Is it not true, that divers persons, who according to the laws now in being, are within the description of Papists, do not hold the pernicious doctrines attributed to them?—Is it not true, that, divers persons, within the description in question, have protested against such pernicious doctrines, though they still continue to dissent, in certain points of faith, from the Church of England? Is it not true, that, divers persons within the description of Papists, and dissenting in certain points of faith, from the Church of England, are willing solemnly to protest against, and to declare that they do not hold the pernicious doctrines attributed to them?—These, the Act says, are called *Protesting Catholic Dissenters*.—The precise meaning to be affixed to each of these words, is so clearly expressed, in the second of the two sentences, we have cited from the Act, as not to admit of any doubt.—From this part of the Act it clearly appears, that, the persons in question are termed *Dissenters*,—because they *dissent* in certain points of faith from the Church of England,—that they are termed *Catholic*,—because they profess to be members of the Catholic Church,—and that, they are termed *Protesting*,—because they have protested, and are willing to protest against, and to declare they do not hold the doctrines attributed to them.

BUT it is said, “ That the preamble of the Act will be considered as referring to the Protestation contained in the Oath prescribed by it, and that by the Oath some doctrines are protested against which are not pernicious, and some which are even articles of faith.

To

For this we beg leave to answer, that, it certainly must be admitted, that the preamble is to be considered as referring to the Protestation contained in the Oath:—and that, if by the Oath, any doctrine be protested against, which is not pernicious, or, *a fortiori*, if any doctrine be protested against, which is an article of faith, the preamble cannot be acquiesced in, by any Catholic, with a safe conscience. Whether the doctrines protested against by the Oath, be or be not pernicious, and whether any of them be matters of faith will be afterwards examined.—All that is contended for at present, is, that, if the doctrines protested against by the Oath be pernicious, and be falsely attributed to Catholics,—the propriety of the expression, protesting Catholic Dissenters, is unquestionable. In that case all the Catholics who will take the Oath prescribed by the Act will fall under it. Having taken it,—as they continue to dissent in certain points of faith from the Church of England, the Act styles them Dissenters;—As they continue members of the Catholic Church,—the Act styles them Catholics;—and as they have protested against certain pernicious doctrines attributed to them,—the Act styles them *Protesting Catholic Dissenters*.—This explanation does not rest upon inference or implication; It is given in express words by the Act itself.

ANOTHER objection made to the description in question, is, “ That it *implies* in a very marked and pointed manner, that, *though the doctrines in question are not held by some Catholics, they are held by others.*”

BUT admitting this to be the case, We beg to observe to you,—that, among the doctrines intended to be protested against by the Oath, are:—I. That, Princes excommunicated by the Pope may be deposed by their Subjects:—II. That, the Pope can absolve Subjects from their Allegiance:—III. That, the Pope hath a Civil Jurisdiction within the Realms of other Princes:—IV. That the Pope is infallible:—V. And that a breach of faith with a person may be justified, under the pretence that such person is an Heretic or an Infidel.—Of these tenets, the last was never a prevailing opinion among Catholics, and the contrary doctrine has been maintained by Catholic writers of every age and every country.—The doctrine of the *Pope's Infallibility*, in matters of Faith, (by which, we beg to say, is always meant his personal Infallibility, independently of the general body of the Church,) once had many advocates, and among them persons eminent for their learning.—Some it still has, in parts beyond the Alps.—Thus this doctrine, though rejected by the Protesting Catholic Dissenters, is maintained by some other Catholics.—If therefore the Act, either express or imply, the existence of the distinction in question, it does not, in this respect at least, express or imply what does not exist.—With respect to the other doctrines against which the Oath protests, viz.—That *Princes excommunicated by the Pope may be deposed by their subjects*:—That *the Pope can absolve Subjects from their Oath of Allegiance*:—And that *the Pope hath a civil Jurisdiction within the Realms of other Princes*—these, certainly were never articles of our Faith.—But the doctrine, that the Pope was possessed of all those powers by divine right, was once a very prevailing opinion. It was asserted in express terms, and attempted to be carried into execution by Pope Gregory VII. by Paul IV. Pius V. Gregory XIII. Sixtus V. and some other Popes. Has any Pope ever disclaimed them, or permitted his right to them to be questioned in his own dominions? Cardinal Bellarmine wrote several Treatises for the sole purpose of proving the Pope's power in Temporals. In support of his Thesis, he cites the authority of many provincial Councils and numberless writers of great name.—But to confine ourselves to the history of our own nation.—In the year 1602, Mr. William Bishop, then the Bishop of Calcedon, and Twelve other Priests signed a Protestation of Allegiance. See Dod's Church History, 11 vol. p. 292. The faculty of Louvain censured it in the strongest terms. “ In ea,” (this is their language,) “ videntur supponere pontificem non habere “ indirectam saltem potestatem in temporalibus, sine principem per nullam ecclesiasticam potestatem regno suo “ posse privari vel absolvi subditos a juramento, fidelitatis quo eiant parere tenebantur, hoc autem sine dubio “ falsum est.” “ The Remonstrants,” (say the Faculty) “ suppose that the Pope has not even an indirect “ power in Temporals, — and that Princes cannot be deposed by their subjects, nor their sub- “ jects absolved from their Allegiance to them, by any ecclesiastical power, which without a doubt is “ absolutely false.”—(See Remonstrantia Hibernorum contra Lovanienses ultra-montanasque censuras, auctore Caron, Theologo emerito, 1655.) In 1662, some of the Irish Catholics presented a Remonstrance to Charles II.—It is a mere declaration of allegiance, and reprobation of the king-killing and deposing doctrines. It was condemned by the Cardinals, and by the university of Louvain, and the Remonstrants were excommunicated. Mr. Carte says, they were on the point of starving in their own country.—When the Oath of Allegiance was proposed to the Catholics, in the reign of James I. Cardinal Bellarmine composed several Treatises to shew, that, it was not lawful for them to take it, because, among other grounds, it contained an express denial of the Pope's power in Temporals.—He treats the contrary opinion, almost as heretical. Leonardus Lessius, Gretzer, Suarez, and Becanus, published Treatises upon the same occasion to enforce the same doctrines.—It is remarkable, that, Bellarmine only contended for the Pope's having an indirect power in Temporals, and that some very respectable writers of his life say, that, by not admitting him to have a direct power in Temporals, he incurred the displeasure of the See of Rome.—There are frequent instances where the Clergy and Parliament of France, have

have had occasion to censure publications, where the Pope's power in Temporals has been maintained, but is there any instance where these publications have been checked by the See of Rome?—Some times even, as in the cases of Bellarmine and Suarez, the Pope has given distinguished marks of his approbation of Treatises in which these doctrines were held. The Declaration of the Clergy of France in 1682 was proscribed by Pope Innocent XI.—Till Ganganelli was elected to the Tiara, the Bull *in Cœna Domini*, was solemnly read on every Maundy Thursday, in Saint Peter's at Rome. We beg to refer to two very sensible and very able treatises in Latin of Mr. Preston, an English Benedictine Monk, published by him under the name of Roger Widdrington, in answer to Bellarmine, Lessius, Gretzer, and Becanus. In both of them, he admits Bellarmine's to be the general opinion; he seems even to concede, that, it is the more probable opinion;—he only professes to contend, that, it is not an article of Faith; and that, the contrary opinion has so much probability in it, that it may be followed in practice, with a safe conscience.—This seems to justify us in saying, that, the opinion in question was once a very general opinion.—By some it is maintained at this day. There are therefore too good reasons to argue, that, a real and substantial distinction exists between those Catholics who maintain, and those who reject, the doctrine of the Pope's temporal power. In this respect, therefore, the oath seems unobjectionable.—But before we quit this subject we beg to observe, that the Oath of Allegiance proposed to the Catholics by James I,*—which Bellarmine, Suarez, Gretzer, Becanus, and Lessius reprobated as unlawful,—against which Paul V. fulminated a first, a second, and a third Bull,—which he formally pronounced to contain *many things* contrary to faith and salvation,—which, or the like of which, he enjoined the Catholics of England never to take,—to the not taking of which, the laws passed since that time against the Catholics, their subsequent calamities, their sequestrations, the extinctions of their families, and particularly the suspicions entertained of their temporal dependence on the Court of Rome, are, at least, in a great degree, to be attributed,—*this oath, this very oath*, (with the exception that it declares the deposing doctrine to be heretical,) is in substance the same as the oath of 1778;—with this exception therefore, this very oath was in 1778, taken by our present Vicars apostolic, and is in 1789 held out by them as a perfect and unexceptionable declaration of the principles of the Catholic Faith.

II. THEN as to the *probable efficacy* of the plan adopted by the Committee, for conciliating the minds of the Public—The defamation of two hundred and fifty years, under which the Catholics have laboured, has raised a prejudice against them, which is not yet eradicated.—The utmost change in the sentiments of the Public, that the accumulated efforts of all the writers, and the compleat innocence (in this respect at least) of the morals and manners of the English Catholics have been able to produce, is, that, it is become a very general opinion among our adversaries, that some, (though but a few) of those, who profess the Catholic Religion, and are consequently in communion with the See of Rome, do not maintain the tenets in question; and that, however erroneous some of the doctrines of the Catholic Church may be, no Catholic should suffer any evil punishment for maintaining them, except so far as they are hurtful to society, or inimical to Government.—Upon these admissions of the adversaries of the Catholic cause, the Committee have thought it prudent to close.—They might contest the position, that, few only of the body of Catholics reprobate the doctrines in question.—But waving all dispute upon that point, they rather chuse to try the cause on their adversaries own admissions;—They therefore adopt the form of an Oath, in which the Catholics renounce such of the doctrines imputed to them as are supposed to be morally or politically evil.—Neither do they claim an exemption from the penal laws for all the Body; they claim it for those only, who make the renunciation in question.—To them the adversaries of the Catholics (if they are consistent with their own principles or even with their own prejudices,) must admit Toleration ought to be extended.—The operation therefore of the Bill is to leave those ideal numbers of Catholics who persist to hold the tenets in question, (mere non-entities, we hope,) to continue victims to the laws enacted against all Communicants with the See of Rome, indiscriminately, and to the animosities, which gave rise to them; but at the same time to make an opening, through which such of the Communicants with that See, as protest against the doctrines in question, (that is, we hope, the whole body of English Catholics,) may slip from under the operation of the laws in question, unheeded and unobserved.—The consequence is, that, in fact a considerable portion of relief is procured for *all* the English Catholics, while at the same time there is little reason to apprehend any thing of that senseless, but formidable outcry, which was raised in 1780 against the statute which passed in 1778, for the relief of Catholics under the appellation of Papists,—a name we have always considered opprobrious, but the only name by which we have been known in the law of England, since the Reformation.—Upon these grounds, therefore, we submit to you, whether the *propriety* of the description in question, and its *probable efficacy*, be not indisputable.

III.

WE shall now take the liberty to state what we understand are the *principal objections* to the measure.

It is said, that, *the Clause contained in it, by which the Catholics deny any foreign power's having a right of Jurisdiction in this Country, materially differs from the Clause to that effect inserted in the Protestation.*

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* See the Oath at length in the Act intituled, “ An Act for the better discovering and suppressing of Popish Recusants.”—1 James I. c. 4.

In answer to this, we beg to observe, that, the words of the Protestation are "That no Church, nor any Prelate, nor any Priest, nor any Assembly of Prelates or Priests, nor any Ecclesiastical power whatsoever, hath, have, or ought to have, any jurisdiction or authority whatsoever within this Realm, that can directly or indirectly affect, or interfere with the Independence, Sovereignty, Laws, Constitution or Government thereof, or the rights, liberties, persons or properties of the people of the said Realm."—In the Oath, it is said, that "no foreign Prince, Person, Prelate, State or Potentate hath or ought to have any Civil Jurisdiction or Authority whatsoever, within this Realm, or any spiritual authority, power or jurisdiction whatsoever within this Realm, that can directly or indirectly, affect, or interfere with the Independence, Sovereignty, Laws or Constitution of this kingdom, or with the Civil or Ecclesiastical Government thereof as by law established, or with the rights, liberties, persons or properties of the subjects thereof."—The cause of this difference was as follows:—In the Oath of 1778, we swear that, "We do not believe, that, the Pope, &c. hath, or ought to have any Temporal or Civil Jurisdiction, &c. directly or indirectly, within the Realm,"—without the additional words, "that can affect or interfere with the Independence, &c. of this Kingdom."—Upon this it was observed to us, by a person very high in power, that, the qualifying words, "that, can affect, &c." made the Protestation more confined than the Oath of 1778.—To this it was answered, that the Oath of 1778 did not say any thing of the Pope's spiritual power, and therefore no such qualifying words were then called for; but that, as the Protestation referred to the Pope's spiritual power, it was necessary to insert in that, some qualifying words.—That, some Ultra-montane Divines, particularly Bellarmine, had maintained, that the Pope's spiritual power authorised him to interfere indirectly with the temporal rights of Sovereigns and their subjects; That, it had been intimated to us, that, we were called upon to disclaim that doctrine;—That to this, we had no objection;—That it was true our belief of the Supremacy of the Pope did not permit us to take the Oath of Supremacy in its present form, but that, believing as we did, the Pope's Supremacy to be merely spiritual, we conceived it perfectly safe for us to declare, that the Pope had no supremacy which could affect the rights of the Sovereign, of the subjects, or of the government of this Realm.—This Explanation was accepted;—it was therefore proposed, that the negation of the Pope's Civil power should stand unlimited and unqualified,—but that the negation of his spiritual power should stand qualified with the words, "that can interfere with the independence, &c. of this Realm, or the rights, persons, or properties of the Subjects." These words therefore were inserted, *not as a denial of the Pope's spiritual Supremacy;—but as a denial of his having any Supremacy that affects or interferes with the Rights of the Public, or the Rights of Individuals*—We beg leave to add, that, the alteration in question cannot be considered as a deviation from the substance of the protestation.—In the Protestation it is said, that, "no Church, &c. hath or ought to have any Jurisdiction or Authority whatsoever within this Realm, that can directly or indirectly affect or interfere with the Independence, &c. of the Realm, or the Rights, &c. of the People." The words "any" and "whatsoever," are surely tantamount to the words "*any Jurisdiction, spiritual or temporal.*" When therefore the Oath says, that, no Church, &c. hath any Jurisdiction, spiritual or temporal, &c. it cannot be considered as including any species of Jurisdiction, &c. which is not necessarily included in the words, "any Jurisdiction whatsoever."

ANOTHER Objection to the Oath, we understand, is, that, *by it we deny the Church's having a Spiritual Power.*

NOTHING could be further from our Thoughts: And the objection, we conceive must vanish the moment the true meaning or import of the expressions used in the Oath is adverted to. It is not meant to deny by them the spiritual Authority of the Church to preach her Faith, administer her Sacraments, Ordain the Ministers of her Word, punish by spiritual Punishments, or reward with spiritual Rewards, or any other spiritual Right, with which she was invested by Christ. All that is intended to be denied by the Oath, is, that Right which her divine Founder so constantly, so unequivocally and so forcibly disclaimed, *TO LEGISLATE IN TEMPORAL CONCERNS, OR TO ENFORCE HIS SPIRITUAL LEGISLATION BY A COERCION OF A TEMPORAL NATURE.* Both these Rights are equally temporal; both consequently equally rejected by Christ, when he declared his Kingdom not to be of this world.—This is the true meaning of the Oath.—In this sense, all the contested passages should be explained, and so explained, we beg to say every objection to them necessarily ceases. Thus, it is objected, that, the Oath is erroneous when it protests against the right of the Church, to affect or interfere with *the persons* of the Faithful.—But nothing can be more just, either in fact or in expression, than these words, if they be explained in their true sense. For who can say, the person of any Individual is liable to the legislation of the Church in any Concern of a temporal nature, or subject to be coerced to obedience to her spiritual Legislation, by temporal means?

THUS, also it is objected, that the Oath is erroneous when it protests against the right of the Church to affect or interfere with the *Ecclesiastical Government of the Kingdom as by Law established*.—To this objection, a complete answer we conceive, might be made by observing, that, the Ecclesiastical Government of a Country, *so far as it is by Law established*, is a part of the temporal Government of that Country. When therefore, it is said, that, neither the Pope, nor the Church, &c. has, or ought to have any right to interfere with the Ecclesiastical Government of a Country, as by Law established, we only repeat the proposition, on all sides acknowledged to be unquestionable, that, the Pope, &c. has not any right to interfere in the temporal Government.

Government of that Country. But without entering into this discussion, we beg to revert to our first answer, viz. that in all these passages of the Oath, nothing is meant to be denied, but a right of temporal Legislation, or a right to enforce spiritual Legislation by temporal means, to neither of which, it is on all hands admitted, the Church can have any just claim. But it may be asked, how is it proved that the Expressions in question are to be understood in this sense. We beg to answer that, we have had repeated conversations on this subject with the first men in the kingdom—Men whose lives are spent in attending to great Legislative Questions, and deeply versed in every species of legal and constitutional Information.—From Men of this description, the people of England are in the habit of deriving their Notions, both of words and things.—Now, we beg to assure you, that, we have not met a person of this description, we have not yet found any one man accustomed to constitutional or legal discussions, or habituated to business and its language, who does not understand and reason upon the expression in question in the manner we speak of. We beg to add, that, a few days before our Bill was mentioned in the House, we circulated a printed Case, among the Members of both Houses.—We express ourselves in it in the following words.—“The English Catholic Dissenters object to “take the Oath of Supremacy, because, like every other Church in communion with the See of Rome, they “acknowledge the *spiritual primacy of the Pope*.

Now it cannot be thought possible, that, we should have inserted this expression in the Case, if we thought it contradicted the Oath, or that if it did contradict the Oath, it would have escaped the Animadversion of the public. Yet we beg leave to assure you, that, though the Cases were universally circulated both in Parliament and out of Parliament, to this hour we have not even heard the supposed contradiction pointed out.—We also beg leave to assure you, that, we know for certain, that the leading men of the Nation understand, that, nothing contained in the Oath is meant as a denial of the Catholic Belief of the Pope's spiritual Supremacy.—But what puts the meaning of the words beyond controversy is, that, the expressions of this nature, to be found in the holy Fathers, and the most eminent School Divines, and even the very words of the Son of God, are in this respect exactly in the same predicament as the expressions we are speaking of. If it be agreed to understand them, in the sense contended for above, nothing is more accurate. In any other sense they are inaccurate in the extreme—such as it is impossible should fall from the lips of eternal Truth. When our Saviour says, *Regnum meum non est de hoc Mundo*—What do the words signify, what can they imply—but a rejection of the right of temporal Legislation, and the right of enforcing his spiritual Legislation by temporal means? When St. Austin paraphrasing this passage, says, *Audite reges terre, non Impedis Dominatorem vestram*, Is not the word, *Impedis*, synonymous with the words *affect or interfere*? Does any one pretend to say that the Pope or the Church has a right to affect or interfere with the Civil Independence, the Civil Sovereignty, the Civil Constitution, or the Civil Government of this Realm?—No Divine on this side the Alps would assert it. Yet, if by the words “Affecting or interfering” is understood, affecting or interfering by the spiritual Right of preaching and teaching, it is unquestionably true, that the Church has a right to interfere with the Civil Independence, the Civil Sovereignty, the Civil Constitution, and the Civil Government of this Realm. For, permit us to observe,—If one Province of a Kingdom, were without justice or reason, to rebel against the State, and claim to be independent of her—If one State were to exercise undue *Sovereignty* over another,—If the *Constitution* of a State were essentially wicked;—If the *Government* of a State were to be tyrannical and unjust—are not these as much sins in the eye of God, as they are crimes in the eye of man? As such are they not subject to the spiritual power of the Church, to her teaching, preaching, and censures? Yet that the Church has no jurisdiction or authority, that, can directly or indirectly, affect or interfere with the Civil independence, sovereignty, constitution or government of a Sovereign State, is acknowledged by our best writers. But unless the words affect or interfere are understood in the sense in which we say they ought to be understood, the proposition is false—Therefore, the words affect or interfere must be taken in the sense in which we understand them; so understood they are perfectly free from objection.

ANOTHER objection made to the Oath, we understand, is, that, the party asserts in it “that neither the Pope nor any Prelate, nor any Priest, nor any Assembly of Prelates or Priests, nor any Ecclesiastical power whatsoever can at any time dispense with, or absolve him from the obligations of this Oath, or of any Oath, or of any other Compact whatsoever.”

To this, we beg to say in answer, what some of the ablest Divines of this Kingdom have mentioned to us, that, when in consequence of an Oath taken to, or a compact entered into, with any person, the party taking the Oath, or entering into the Compact, has contracted any obligations to the person, to whom the Oath is taken, or with whom the Compact is made: in that case, neither the Pope nor any Prelate, nor any Priest, nor any Assembly of Prelates or Priests, can have any power to absolve, or free the party from the obligations so contracted by him. It is true that, an Oath may be taken, and a Compact made under such circumstances, as to be absolutely void; the consequence is, that an Oath so taken, and a compact so made, subjects the party to no obligation. Such is the case usually put, of a promise on Oath, to pay a sum of money, extorted from the party by great personal violence, or by the threats of immediate death. In these and in other cases, of the like nature, it may be a question whether the obligations exist, but if they do exist, no power can dispense from them.—We must also add, that, by the Oaths and Compacts here referred to, the

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Bill does not refer to vows, or other promises made to God, and which do not affect the Rights of third Persons.

ANOTHER objection made to the Oath, we understand is, that by it the Doctrine "that Princes excommunicated by the Pope, or by the authority of the See of Rome, may be deposed or murdered by their subjects or any other person" is called heretical.

To this it is answered, that, among the many Epithets expressive of abhorrence, which the English language furnishes, and none of which are too strong to express the abhorrence which English Catholics have of the Doctrine referred to in this clause, the Epithet here inserted is one of the last which would have occurred to us. The fact is, that, the whole of this clause was inserted upon the suggestion of one of the first personages in this Kingdom. He observed, that, a uniformity of Oaths throughout the Kingdom was greatly to be desired; that, the religious scruples of the Catholics made them refuse one part of the Oath of Supremacy, but that they had no religious objections, either to the other parts of the Oath of Supremacy, or to any part of the Oath of Allegiance, or the Oath of Abjuration. He, therefore recommended, that, the whole of the Oaths of Allegiance and Abjuration, and as much of the Oath of Supremacy, as Catholics do not think contrary to faith, should be inserted in the Oath to be taken by them.—To this circumstance the insertion of the word *Heretical* is owing.

With respect to its propriety,—We beg to submit to you, that, the proposition, "It is our duty to give to Cæsar, what is Cæsar's," is a precept of the Gospel, and that all Divines interpret this precept to extend, as much to the obligation of not disturbing Cæsar, in the possession of what belongs to him, as to the obligation of restoring to him, that, which is unlawfully taken from him.—Excommunication does not deprive a Prince of his right to the Throne, nor make him forfeit his life—Cæsar's throne and Cæsar's life belong to Cæsar, as much after, as before Excommunication. It follows, that, to say a Prince excommunicated, may be deposed or murdered, is to assert that his being excommunicated, gives his subjects a right to deprive him of his throne or his life; or in other words to disturb Cæsar in the possession of what belongs to him. This doctrine is directly contrary to the doctrine of the Gospel. With respect to its being Heretical, We beg to call your attention to the distinction in the schools between, a *material* and a *formal* Heresy. A Doctrine contrary to the word of God, if it have not been expressly condemned as such, by the authority of the Church, is said to be *materially* heretical.—When it has been expressly condemned as such by authority of the Church, it is said to be *formally* heretical.—In the Oath of Allegiance prescribed by the statute of James the I. is the following clause. "And I do further swear, That I do from my heart abhor, detest and abjure as impious and heretical this damnable doctrine and position.—That Princes which be excommunicated, or deprived by the Pope, may be deposed or murdered by their subjects, or any other whatsoever." Pope Paul the Vth. by three briefs reproached this Oath. The Divines of the University of Paris being consulted upon it, fifty-nine of them were of opinion that the Catholics of England might take it with a safe conscience, without renouncing their faith. "The proposition, so far as it asserts, that princes may be deposed, being *materially*, that is in substance, heretical; and so far as it asserts that they may be murdered, being *formally*, that is expressly pronounced by the Church, heretical." See Dr. Hooke's *Religionis Naturalis, et Revelatæ Principia*, 3 vol. p. 581.—In the Oath proposed to the Catholics of Ireland, in 1775, the 3d Article runs as follows: "I further profess, that it is no part of my belief; nay, that I reject the opinion, that princes excommunicated by the Pope, or by the Pope and Council, or by any authority of the See of Rome, or by any authority whatsoever, may be deposed, or put to death by their subjects, or by any other person whatsoever: and therefore I promise that I will not hold, maintain, or countenance that, or any other opinion contrary to the words of this Declaration." The Sorbonne being consulted upon this Oath, gave their opinion, dated the 6th Nov. 1775, signed by all the Doctors. Upon the Article in question, they thus express themselves: "We likewise think, that the 3d Article, may, and when occasion offers, ought to be sworn by the Catholics of Ireland: Let not, however, the word *Opinion*, whereby this Article denominates the King-killing and deposing Doctrine, be understood as implying any degree of kindness or indulgence for it. *Opinion* is the name generally given to those doctrines which Civilians, Philosophers, and Divines rank among the assertions merely probable, and that have no evidence to militate either for or against them. But the King-killing and deposing Doctrine is not of this kind. It is evidently bad; *heretical, because contrary to the Word of God: and heretical in both senses of the word; that is to say, materially and formally*: Materially, in as much as it superadds the lawfulness of putting them to death, agreeable to what was observed in the year 1680, by fifty-nine Doctors of the Faculty of Paris, who gave their opinion as above-mentioned, concerning a form of oath formerly prescribed in England by James the First." See the Titular Archbishop of Cadell's Justification of the Tenets of the Catholic Religion, Coghlan, 1787, page 145. We cite his Grace's translation.

We

We also understand, that it is objected, "That the Oath of 1778 is a complete Declaration of Allegiance; that Government ought to be satisfied with it; and that no further Declaration of our principles should be required of us."

To this we beg leave to answer, That the nation at large seemed to think that a more explicit Declaration of our Principles was on this occasion required from us, and our friends advised us to make it.

THESE we have the honour to inform you are the objections to the oath (so far as we have been able to collect them) and the answers to them. Did it contain any thing contrary to faith, or the word of God, there cannot be a question but it should be altered in every particular in which, upon this account, it were objectionable. But we beg leave to repeat, it contains nothing but a promise of that allegiance which every government has a right to claim from its subjects, and every subject owes the state under which he lives. Did it even contain any thing ambiguous, all its ambiguities should be set clear. But we find it contains no ambiguity. Every word has been repeatedly scrutinized by the first persons of this country. The consequence is, that in its present form it is universally acknowledged to be a complete and unequivocal Declaration of Allegiance, and a complete and unequivocal Protestation against the temporal power of the Church, against the Pope's temporal supremacy, and the right, either of the Pope, or of the Church, to absolve subjects from their allegiance, or to dispense with the civil or social duties of Man. But here, in the opinion of all public men, it ends. In their apprehension, it does not contain one syllable which, construed in the plain and obvious sense of the words, denies the spiritual authority of the Church, or the spiritual supremacy of the Pope. They do not think it varies in any respect from the Oath of 1778, except that in some instances, it *expresses* what, in their opinion, that Oath *implies*. Thus *IT IS NOT CONSIDERED BY THEM AS A PROFESSION OF FAITH; THEY CONSIDER IT MERELY AS A PROFESSION OF ALLEGIANCE AND A REJECTION OF OPINIONS IMPUTED TO US, WHICH IN THEIR POLITICAL OPERATION HAVE A TENDENCY TO INJURE THE STATE.* Against these we protest. But the partition between us and the established church, remains, and by them is known to remain as before.

At all events, this much is effected, that the nation will no longer consider us as dangerous or doubtful subjects. Our religious principles they may consider as erroneous, but our political opinions will no longer give them alarm. We know they are disposed to serve us. Our affairs have long engaged the attention of the public. Had there been any where a wish to injure us, it must have manifested itself long before the present day. But no symptom of this nature has appeared. On the contrary, we have received from every quarter the warmest promises of assistance and support.

UNDER these auspicious circumstances, our business has been brought forward. Our Petition (a transcript from the Declaration) is in both Houses of Parliament. We have delivered up the bill to the gentleman, who has undertaken to introduce it into the House. It must now be considered as in the hands of the Legislature. On their justice and humanity we rest our cause, and trust for its success.—We subjoin, after the heads of the intended Bill, a Copy of a Letter we have written to the four Vicars Apostolic.

With the greatest respect,

London.

My Lords and Gentlemen,

25th. November, 1789.

We have the honor to be

Your most obedient humble Servants,

CHARLES BERINGTON.

PETRE.

JOS. WILKS.

JOHN THROCKMORTON.

WILLIAM FERMOR.

JOHN TOWNELEY.

THOMAS HORNYOLD.

To relieve upon Conditions, and under Restrictions, Persons called PROTESTING CATHOLIC DISSENTERS, from certain Penalties and Disabilities, to which Papists, or Persons professing the Popish Religion, are by Law subject.

And that diverse persons who, according to the laws now in being, are within the description of Papists, or persons professing the Popish Religion, do not hold and have protested against such pernicious doctrines, although they continue to dissent in certain points of faith from the Church of England, and are therefore called Protesting Catholick Dissenters, and such persons are willing solemnly to protest against and to declare, that they do not hold such pernicious doctrines.

And that it is expedient that such persons as shall so solemnly protest and declare against their holding such pernicious doctrines, although they shall continue to dissent in certain points of faith from the Church of England, shall be relieved from the penalties and disabilities to which Papists, or persons professing the Popish Religion, or their children, or persons educated in the Popish Religion, are by law subject, except as therein after excepted.

It is therefore enacted, That, from and after the making and passing of the Act, the Oath of Allegiance and Abjuration, and of Protestation and Declaration therein after expressed, may and shall be administered by any of the same Courts, and may and shall be registered in the same manner, and shall give the same benefits and advantages, and shall be, and operate to and for the same intents and purposes whatsoever, as in and by the Act made and passed in the 18th year of his present Majesty is enacted, concerning the Oath thereby prescribed.

And that lists of the persons taking the Oath, shall be returned annually to the Clerk of the Privy Council.

It is then enacted, that the Oath of Allegiance and Abjuration, and of Protestation and Declaration, shall be in the words following:

" I, A. B. do sincerely promise and swear, that I will be faithful, and bear true allegiance to Majesty
 " And I do truly and sincerely acknowledge, profess, testify, and declare,
 " in my conscience, before God and the world, that our Sovereign
 " is lawful and rightful of this realm, and all other Majesty's dominions
 " thereunto belonging: and I do solemnly and sincerely declare, that I do believe in my con-
 " science, that not any of the descendants of the person who pretended to be Prince of
 " Wales, during the life of the late King James the Second, and after his decease pretended to be,
 " and took upon himself the style and title of King of England by the name of James the Third, or
 " of Scotland by the name of James the Eighth, or the style and title of King of Great Britain, hath
 " any right or title whatsoever to the Crown of this Realm, or any Dominions thereunto belonging;
 " and I renounce, refuse, and abjure, any Allegiance or Obedience to any of them; and I do swear,
 " that, I will bear Faith and true Allegiance to Majesty and will defend
 " to the utmost of my power, against all traiterous conspiracies and attempts whatsoever,
 " which shall be made against Person, Crown, or Dignity; and I will do my utmost
 " endeavour to disclose and make known to Majesty and Successors,
 " all Treasons and traiterous Conspiracies, which I shall know to be against Majesty and I do
 " faithfully

“ faithfully and fully promise, to the utmost of my power, to support, maintain, and defend the succession
 “ of the Crown against the descendants of the said James, and against all other persons whatsoever;
 “ which succession by an Act, intituled, *An Act for the further limitation of the Crown, and better*
 “ *securing the rights and liberties of the subject*, is, and stands limited to the Princess Sophia, Electress,
 “ and Duchess Dowager of Hanover, and the heirs of her body being Protestants: And I do swear,
 “ that I do, from my heart, abhor, detest and abjure, as impious and heretical, that damnable doctrine
 “ and position, that Princes excommunicated or deprived by the Pope, or any authority of the See of
 “ Rome, may be deposed or murdered by their subjects, or any other persons whomsoever; and I do
 “ protest and declare, and do solemnly swear it to be my most firm and sincere opinion, belief, and per-
 “ suasion, That neither the Pope, nor any General Council, nor any Priest, nor any Ecclesiastical Power
 “ whatsoever, can absolve the subjects of this Realm, or any of them, from their Allegiance to
 “ said Majesty; and that no foreign Prince, Person, Prelate, State, or Potentate, hath, or ought to
 “ have, any Civil Jurisdiction or Authority whatsoever within this Realm, or any Spiritual Authority,
 “ Power, or Jurisdiction whatsoever within this Realm, that can, directly or indirectly, affect or
 “ interfere with, the Independence, Sovereignty, Laws or Constitution of this Kingdom, or with
 “ the Civil or Ecclesiastical Government thereof, as by Law established, or with the Rights,
 “ Liberties, Persons, or Properties of the Subjects thereof; And that no person can be absolved from
 “ any sin, nor any sin whatever be forgiven at the pleasure of any Pope, or of any Priest, or of any
 “ Person whomsoever; And that no breach of faith with, or injury to, or hostility against, any
 “ Person whomsoever, can ever be justified, by Reason, or under pretence that such Person is an
 “ Heretic or an Infidel; And that neither the Pope, nor any Prelate, nor any Priest, nor any
 “ Assembly of Prelates or Priests, nor any Ecclesiastical Power whatever, can, at any time, dispense
 “ with, or absolve me from the obligations of this Oath, or of any other Oath, or of any
 “ Compact whatsoever; And I do also in my conscience declare and solemnly swear, that I acknow-
 “ ledge no infallibility in the Pope; and all these things I do plainly and sincerely declare, acknow-
 “ ledge, and swear, according to these express words by me spoken, and according to the plain and
 “ ordinary sense of the same words, without any equivocation, mental evasion, or secret reservation
 “ whatsoever; and I do make the aforesaid Protestation, Declaration, Recognition, Acknowledgment,
 “ Abjuration, Renunciation, Promise and Oath, heartily, willingly and truly, upon the true faith of
 “ a Christian. So help me God.”

And it is then enacted, That every Person who shall take and subscribe the Oath of Allegiance and Abju-
 ration, and of Protestation and Declaration, therein before appointed to be taken and subscribed, shall thenceforth
 be deemed and taken in law to be a “ *Protesting Catholic Dissenter* ;” And that, none of the Laws now in
 force against or concerning Papists, or Persons professing the Popish Religion;—Or against or concerning Popish
 Recusants;—Or against or concerning Popish Recusants Convict;—Or against or concerning Persons edu-
 cated in the Popish Religion;—Or against or concerning Persons reconciled to, or holding Communion with
 the See of Rome;—Or against or concerning Popish Bishops, Priests or Deacons; or Persons entering into or
 belonging to any Ecclesiastical Order or Community of the Church of Rome;—Or against or concerning Persons
 hearing or saying Mass; or being present at, or conforming to, or performing any Rite, Ceremony, Practice or
 Observance, of the Church of Rome:—Or against or concerning persons not resorting or repairing to his or her
 Parish Church or Chapel, or some other usual place of Common-Prayer, to hear divine service, and join in publick
 worship, according to the forms and rites of the Church of England, as by law established;—Or against or
 concerning Persons keeping or having any servant, or other Person, being a Papist or reputed Papist, or Person
 professing the Popish Religion, who shall not so resort, or repair to his or her Parish Church or Chapel, or some
 such other usual place of Common Prayer as aforesaid;—Or against or concerning Persons not taking and sub-
 scribing the Oath commonly called the Oath of Supremacy, or the Declaration commonly called the Decla-
 ration against Transubstantiation; or the Declaration, commonly called the Declaration against Transubstantiation
 and Invocation of Saints;—Nor any Law requiring the Registry of the Names and real Estates, or Enrolment
 of the Deeds and Wills of Popish Recusants or Papists, or Persons educated in the Popish Religion, or whose
 Parent or Parents shall be a Papist or Papists, or who shall use or profess the Popish Religion;— Shall extend,
 or be construed to extend, to any such *Protesting Catholick Dissenter*, who shall have taken and subscribed such
 Oath of Allegiance and Abjuration, and of Protestation and Declaration, as aforesaid; and in all cases where
 Persons are required to take and subscribe the Oaths commonly called the Oath of Allegiance, the Oath of
 Abjuration, and the Oath of Supremacy;—Or the Declaration commonly called the Declaration against
 Transubstantiation, or the Declaration commonly called the Declaration against Transubstantiation and In-
 vocation of Saints;—Any such *Protesting Catholick Dissenter* as aforesaid shall and may, at his or her election,
 take and subscribe, in place of the same, the Oath of Allegiance and Abjuration, and of Protestation and De-
 claration herein before mentioned and appointed to be taken as aforesaid; And such last-mentioned Oath of
 Allegiance and Abjuration, and of Protestation and Declaration, may and shall also be administered and taken
 before the same person, and in the same manner, and shall give the same Benefits and Advantages, and
 shall operate to and for all the same Intents and Purposes whatsoever, (save as is herein after excepted and
 provided) as the aforesaid Oaths commonly called the Oaths of Allegiance, Abjuration and Supremacy, or the
 aforesaid

aforesaid Declaration against Transubstantiation, or the aforesaid Declaration against Transubstantiation and Invocation of Saints, in the room of which it is intended to be hereby substituted.

Proviso, for certifying and registering the Places of Worship and Ministers of Protestant Catholic Dissenters.

Proviso, that no Assembly for religious Worship of Protestant Catholic Dissenters shall be had with the Doors locked, barred or bolted.

Proviso, for enabling Protestant Catholic Dissenters to exercise Parochial or Ward Offices, by Deputy.

Proviso, to exempt Protestant Catholic Priests from serving upon Juries and on Parochial or Ward Offices.

Proviso, to enable Justices of Peace to tender the Oath prescribed by the Act to any Person going to any Place of Assembly licensed by the Act.

Proviso, that the Laws in Force for frequenting of Divine Service on the Lord's Day, shall continue in Force against Offenders, unless they come to some Congregation or Assembly permitted by the Act, or by the Act of Toleration.

Proviso, that the Act shall not extend to Persons writing against the Trinity.

Proviso, that no Benefit in the Act shall extend to any Dissenting Catholic Ecclesiastick officiating in any place of Congregation with a Steeple or Bell, or who shall exercise any of the Ceremonies of his Religion, or wear the Habits of his Order, except within some Place of Congregation licensed by the Act, or in a private House.

Proviso, That nothing therein contained shall be construed to exempt any such Protestant Catholic Dissenter, as aforesaid, from paying Tythes or other parochial Duties, or any other Duties to the Church or Minister; or from any Prosecution, in any Ecclesiastical Court, or elsewhere, for the same; or to repeal any part of the Statute made in the 26th Year of the Reign of his late Majesty King George the Second, intituled "An Act for the better preventing of Clandestine Marriages" or any parts of any other Statute concerning Marriages; or to give any Ease, Benefit, or Advantage to any Person, who shall by preaching, teaching, or writing, deny or gainsay the Oath of Allegiance and Abjuration, and of Protestation and Declaration, therein before mentioned, and appointed to be taken as aforesaid, or the Declarations or Doctrines therein contained, or any of them; or to repeal or affect any Law now in Force concerning the Right, or Succession to, or the Limitation of the Crown; or concerning the Election of any Member or Members to serve in Parliament, or to enable any Person to sit in either House of Parliament, or to be of his Majesty's most honourable Privy Council; or to hold, enjoy, or exercise any Office, Civil or Military, unless duly qualified in the manner now required by Law; or to educate any Child a Papist, or any Child of Protestant Parents, a Protestant Catholic Dissenter.

Proviso, That nothing in the Act contained shall make it lawful to found, endow, or establish, any religious Order or Society of Persons, bound by monastic or religious Vows, within this Realm, or the Dominions thereunto belonging; and that all Uses, Trusts and Dispositions, whether of real or personal Property, which immediately before the passing of the Act shall have been deemed to be superstitious or unlawful, shall continue to be so deemed and taken.

Proviso, That nothing in the Act contained shall extend, or be construed to extend, to that part of Great Britain, called Scotland.

A COPY of a LETTER, written by the COMMITTEE of ENGLISH CATHOLICS to the FOUR APOSTOLIC VICARS.

MY LORDS,

AT a Meeting of the CATHOLIC COMMITTEE, held on the 19th of November 1789, We took into Consideration an Encyclical Letter, which you have been pleased to address to us and to all the Faithful in your four districts, and we now offer, with the greatest deference, to your Lordships the result of our deliberations.

CONSCIOUS, that we never had any other object in view than to procure for the English Catholics, who have honored us with their trust, a release from the numberless grievances, under which they have so long and so unjustly laboured.—We cannot but lament our misfortune in having incurred the disapprobation of them, who from their station in this country are the natural Guardians of the Catholic Religion.

SOME misconception, we apprehend, must have taken place; and, this misconception once rectified, we still entertain the flattering hope, that your Lordships, far from raising any impediment to obstruct, will heartily grant us your concurrence to accelerate, the success of our well meant endeavours in serving the common interests of the Catholic body.

WE doubt not, but that your Lordships have used *mature deliberation and previous discussions*:—We cannot however forbear expressing our regret, that none of those persons, who have been concerned in promoting and conducting this business of general utility, were called in by your Lordships to explain their sentiments, and give that information, which probably would have prevented any necessity of issuing a public censure.

YOUR Lordships have unanimously condemned the form of an Oath intended for the Catholics,—yet we beg leave to represent, that this very form was, not many months since, sanctioned with the approbation of one of the four Apostolical Vicars, who, as a Member of the Committee, has all along been consulted, and without whose concurrence not one step has ever been taken.

IN condemning the form of the Oath, your Lordships have not condescended to point out what particular parts you judge to be reprehensible,—and as the Oath contains no formula of faith, or declaration of religious doctrines, we are at a loss to discover what can make it an object of ecclesiastical censure.

YOU have declared the form of the Oath unlawful to be taken:—but as your Lordships decline to specify, for what reasons or through what motives it is unlawful, we are bewildered in conjecturing why we should be restrained from giving to our country a solemn pledge of our principles as men and as citizens.

FOR, my Lords, what is the form of the intended Oath? It is no profession of the peculiar doctrines, which the Catholic Church teaches in opposition to those Churches, who have separated from her Communion; it is only a declaration of the innocence of our principles in social and civil concerns. Our faith is not brought forward in this Oath: the rights of conscience are not even considered; religion is not mingled with concerns of a mere temporal nature: all we are required to swear, is, that we maintain no tenets, which can hinder us from faithfully discharging the duties of honest men and of peaceable subjects.

IN the beginning of the present year, we followed the example of your Lordships, in subscribing a public renunciation of those odious and pernicious doctrines, which the injustice of prejudice has so long imputed to us with equal violence

violence and falsehood: doctrines, which, if we really held them, would render us, (as our misinformed Adversaries have constantly represented us to be,)—unworthy of civil liberty and the protection of the state.—We rejoiced in an opportunity to remove effectually every inveterate prejudice, and to place our integrity beyond the reach of obloquy and suspicion. The body of the English Catholics concurred; an instrument was generally signed, and presented to both Houses of Parliament, as the pledge of our honor, and the public monument of our uprightness. From this we cannot recede without prevarication.

THE solemnity of an official Oath can add nothing to the obligation of a deliberate and public protestation; and the only utility in subscribing a protestation against imputed errors was obviously to serve as a basis for a future plan to procure redress from those grievances, which nothing but the accusation of holding pernicious doctrines had brought upon our body. The oath therefore followed the protestation as a thing of course, and since it does not in any one particular deviate essentially from the protestation, it consequently forms one and the same instrument,—and as this instrument has been publicly delivered before the eyes of the nation into the hands of the Legislature, any appearance of departing from it might be justly construed as a proof of unfair dealing, and would, of course, confirm those prejudices, we have so long and so anxiously studied to remove from the minds of our Countrymen. English Catholics would labour more than ever under national odium, and our late proceedings would be held out as a demonstration, that Catholics cannot in truth give security to a Protestant Government.

MY LORDS, in the concerns of salvation we reverence the Episcopal authority, and we have not the presumption to intrude ourselves into the decision of religious controversies: but while we respect that Authority, which the gospel of Heaven has empowered its Ministers to exercise, we cannot but recollect, that we are men and citizens, and as such have rights to claim and duties to perform. If we sacrificed our faith to our temporal interests, we should be unworthy of the Communion of Christ's Church; but we conceive it to be a duty incumbent upon us to renounce all those pernicious doctrines, which are falsely imputed to us, which make our Religion odious, which prejudice our fame, and which debar us from the enjoyment of our temporal rights. As often as unjust charges are brought against us, we owe it to truth, to candour, to ourselves, to the public, to disavow and repel those charges. If the Government of our Country call upon us to ratify our disavowal by an Oath, we esteem ourselves authorised, and indeed bound, to give this most solemn attestation of our sincerity. *IN SATISFYING THE MINDS OF THE PREJUDICED,—IN PROVING OUR UPRIGHTNESS TO THE LEGISLATURE,—IN CLEARING OUR RELIGION FROM DISGRACEFUL ASPERSIONS, IN ATTEMPTING, BY HONEST MEANS, TO RECOVER THOSE TEMPORAL ADVANTAGES, FROM WHICH NOTHING BUT MISREPRESENTATION HAS EXCLUDED US;—IN DOING THIS, MY LORDS, WE ARE PERSUADED THERE CAN BE NO ENCROACHMENT UPON THE PASTORAL AUTHORITY, AND AS OFTEN AS OPPORTUNITIES OFFER OF DOING IT WITH SUCCESS, WE CANNOT REFRAIN BELIEVING YOUR LORDSHIPS WILL COUNTENANCE OUR ENDEAVOURS.*

YOU require, my Lords, our submission to your determinations;—but we intreat you to consider again whether there be any solid grounds of condemnation, whether every motive of conscience and honor do not oblige us to abide by what we have already done as a body, whether the form of the intended Oath contains any thing more than a pledge of our social and civil principles, whether it may not be taken in perfect consistency with the most entire and unfeigned belief of any doctrine of the Catholic Church.

MY LORDS, it is not without pain and sorrow we recollect, that if the Catholics of England have often been oppressed and punished for a conscientious adherence to the faith of their Church, they have sometimes also suffered from an imprudent interference of ecclesiastical authority in civil concerns. The Divine Author of our Religion declared, *his kingdom is not of this world*,—and, while he directed the views of his followers towards an everlasting settlement, he left them under the obligation of discharging every duty, which their social and political combinations might impose.

BORN to fulfill all righteousness, Jesus Christ, besides performing the work of his Father in the salvation of souls, set an example of complete obedience to the established Government of his country. *As a Jew*, he complied with the law of Moses; *as a Roman*, he complied with the edicts of the Emperor. He strongly marked the line, which divides civil from religious duties, and bade his followers *give to Cæsar what belongs to Cæsar, and to God what belongs to God*. His religion soon spread, and the state adopted it. From this alliance temporal and spiritual concerns were insensibly mingled; a perplexing confusion often ensued; and in many cases, when the two powers stood in opposition, it became difficult, and to simple minds, impossible, to reconcile their duty to Cæsar with their duty to God. One memorable instance our present circumstances prompt us to bring to your Lordships recollection.

AFTER the infernal horrors of the Gun-powder treason, James I. was strongly excited, by the clamours of a terrified nation, to exterminate the race of English Catholics. But James was tolerant and just. He declared, he would never confound the innocent multitude with the guilty few; and in order to pacify an enraged people, and shelter from destruction the devoted victims, he drew up himself a test, by which he might discriminate the legal and conscientious Catholic from the dangerous bigot, who was actuated by fanatic zeal, or driven from his duty by the predominancy of foreign politics. He proposed an Oath of Allegiance, and with elaborate care, and the nicest exactness, separated spiritual from temporal concerns. He left to conscience all his rights in matters of salvation, and

and only required a solemn protestation of fidelity to the Government of the state. His Catholic subjects presented themselves with ardor to give their pledge of fealty, exulting in an opportunity to reconcile at length their political and their religious obligations.

Their joy was short. Paul V. who then sat in the Papal Chair, fulminated a condemnation of this political Oath. He declared it inconsistent with faith and hostile to salvation. The extravagance of Paul's condemnation raised amazement, and his brief was treated by the English Catholics as spurious. But they were not long permitted to indulge their error. Another, and another brief succeeded to confirm the first; and, by some unaccountable blunder, the illustrious Bellarmine, employed to justify by his writings the decision of the Pope, confounded an Oath of political Allegiance, with the Oath against acknowledging any spiritual primacy in the Successor of St. Peter.

WE need not re-trace to your Lordships the dismal consequences of this precipitate condemnation. It scandalized foreign Catholics, it fomented divisions among the Catholics at home, it frightened from their loyalty the scrupulous and un-informed, it converted dutifulness to the state into refractoriness against the Church.—And, what we English Catholics have still, at this very day, to lament, it has left an almost indelible impression on the minds of Protestants, that it is a meritorious and necessary part of a Catholic's submission to be guided implicitly by his ecclesiastical Superiors, even in concerns avowedly of a temporal nature.

MY LORDS, to this imprudent interference of Paul V. English Catholics may ascribe in a great measure, all the odium and all the oppression under which they have since groaned. We beg leave to recite the words of condemnation. No particular parts in the Oath are singled out as exceptionable, the whole is reprobated in the following terms. “*Satis vobis ex verbis ipsius perspicuum esse debet, quod hujusmodi juramentum, salva fide Catholica & salute animarum vestrarum præstari non potest, cum multa contineat quæ fidei atque salutis aperte adversantur. Propterea monemus vos, ut ab hoc & similibus juramentis præstandis omnino caveatis.*”

The last words are remarkable. It was not enough for the vehemence of Paul V. to deter the English Catholics from giving the particular pledge required, he would bind them down from ever giving an equivalent one. And yet, my Lords, what avail the commands of authority, when it mistakes its object and exceeds its just limitation? A supreme Pontiff, at a period when the rage of controversy confounded earthly with heavenly things, menaced to shut the gates of Heaven against those, who studied to promote good order upon earth:—but in a calmer age Apostolical Vicars disavowed, by their exemplary conduct, the violence of former times, and grasped with eagerness an opportunity of taking that very oath, which had been reprobated as openly adverse to faith and salvation. *The Oath condemned by Paul V. with the exception of the word heretical, has been taken by your Lordships*, and this very Oath, once the cause of so many dissensions, and so much unhappiness, is now recommended by your Lordships as the ground-work of our future proceedings.

This brings us, my Lords, to a consideration of the Letter, which the senior Apostolical Vicar sent in your name to four members of the Catholic Committee. Your Lordships ask, “*May it not be more prudent to drop at present any further pursuit of the measures, which have been begun?*” For numberless reasons, my Lords, that pursuit cannot be dropped. Our business has proceeded too far, it has been laid before the Public, it has already engaged the attention of the Legislature, every circumstance seems to promise it success, and if the Catholics of England lose the opportunity of recovering their civil and religious rights, it is probable they will ever after look in vain for their emancipation.

THAT the Oath of 1778 is a very sufficient test of our Allegiance to the King, and Fidelity to Government, we entirely agree with your Lordships; but that it will satisfy at present, when a more ample toleration is applied for, we have not the slightest reason to expect.

WHEN a partial Indulgence was granted in 1778, your Lordships recollect what clamours and disturbances it raised. Deluded by hereditary prejudices, and long habituated to mistake and execrate our principles, the most violent among our Protestant fellow-subjects set no bounds to their hatred. They repeated ancient accusations, they insisted upon our holding pernicious doctrines, they defied us to disprove the charge by a public disavowal of the imputed tenets, they held us out as dangerous enemies to every Protestant Government, and branded us with holding principles irreconcilable with social honesty and civil freedom. If at present the Legislature should extend its indulgence, unless these inveterate prejudices are removed, might we not dread a return of that uproar and confusion, which convulsed the nation in 1780? The animosities therefore of a numerous party were to be previously allayed. For this purpose the Protestation and the subsequent Oath were framed. Already they appear to have answered the intended purpose; many, who avowed themselves our adversaries, are become cordial in our support; we are reinstated in their good opinion as Men and Citizens; they behold our Religion without detestation; and they will see us with pleasure admitted into the participation of rights, from which nothing has excluded us, but the national persuasion, that we held these pernicious doctrines.

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THE Protestation and subsequent Oath were therefore an indispensable addition to the Oath of 1778. This Protestation, my Lords, is the only instrument to give success to our application, and if it is so salutary in its effects, what objection can Catholics have to receive from the Legislature a name grounded upon it, and expressive of their situation in this country? The preamble of the Bill so unequivocally determines for what reasons we are to be called *Protesting Catholic Dissenters*, that it is impossible any mistake should be committed, or any offence be taken. Can foreign Catholics be dis-edified, because we protest against pernicious doctrines falsely imputed to the Catholic Church? But foreign Catholics themselves abhor these pernicious doctrines; Catholic Universities condemn them with zeal and severity; and as to the words *protest* and *Protestation*, they are not unfamiliar to English Catholics. In the admired account of Roman Catholic Principles, which was drawn up in the reign of Charles II. are these forcible expressions:—*We abhor, we renounce, we abominate such principles; we PROTEST against them, and seal our PROTESTATION with our dying breaths.*

HITHERTO, my Lords, the Catholics of this Country have been described in all public Acts by the appellation of *Papists* or *Papist Recusants*, an appellation adopted and continued as a stigma of opprobrium, purposely designed to mark out the Communicants with the See of Rome as persons attached to pernicious doctrines and involved in dangerous connections; an appellation in short never given by a Protestant without contempt and rancour, never heard by a Catholic without humiliation and abhorrence. Can Catholics then feel any reluctance in resigning an opprobrious nick-name? and since a *Papist* in the Acts of the Legislature, and in the acceptance of the people, invariably means a person, who holds pernicious doctrines,—what Catholic can sigh for the privilege of educating his child a *Papist*? He will be at full liberty to instil into the minds of his children the sound doctrines of Catholicity, and his Protestant neighbour will no longer upbraid him with depraving their young minds with early lessons of dishonesty sanctioned by pretensions of religious zeal.

THERE are two other clauses in the Bill, which your Lordships wish to have suppressed, that of *not educating any Child of protestant parents a protesting Catholic Dissenter*, and that of *uses, trusts, and dispositions of property* remaining as they were before the Bill. We beg leave to remind your Lordships, that these are not new clauses now first brought forward, they are of ancient standing; the Legislature deems it prudent to reserve them; they are not of our contrivance; nor do they imply our acquiescence in their justice or propriety;—but shall we refuse an exemption from numberless grievous statutes, because the Legislature does not as yet judge it expedient to gratify our every wish? As to these particulars we shall not be worse than we are at present,—in every other case of exemption we shall be infinitely better. The first clause is to prevent improper Arts in seducing children before they have attained to maturity of reason: a practice, which has been often imputed to Catholics, and has been violently complained of, (though without any grounds of truth,) as extremely common, since the indulgence of 1778. To be reconciled to the Church of Rome will no longer be criminal, when the party is of an age to determine his choice of religion by conscientious motives.—As to the other clause it is a standing Law, which affects Protestant Dissenters as well as ourselves, and our present object of pursuit is only to be placed on a level with Protestant Dissenters. Beyond them we cannot expect to be favored; but if ever they accomplish their purpose of recovering every civil and religious right, we have no reason to dread an exclusion from the same advantage.

My Lords, we have laid, with respect, our views and proceedings before you. The Protestation, the Petition, the state of the Case, the Bill, uniformly rest on the single principle, that the English Catholics reject any pernicious doctrine imputed to them, and while they claim the right of following their conscience in religious matters, can give to Government and the Nation every security of being honest men and peaceable subjects. Upon this single principle we look, with well grounded hopes, for relief, and have a firm reliance that your Lordships will co-operate with us in effectuating so desirable a purpose.

We have the honour to be,

with the greatest respect,

Your Lordship's

Most obedient humble Servants,

Signed,

PETRE.

CHAR. BERINGTON.

JOHN THRECKMORTON.

JOS. WILKES.

WILLIAM FERMOR.

JOHN TOWNELEY.

THOMAS HORNYOLD.



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